

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NICHOLAS STOIA,

Plaintiff,

13-CV-2070

-against-

ANSWER

THE LONG ISLAND RAILROAD COMPANY,

Defendant.

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Defendant, THE LONG ISLAND RAIL ROAD COMPANY ("LIRR") s/h/a THE LONG ISLAND RAILROAD COMPANY), by its attorney, RICHARD L. GANS, ESQ., as and for its answer to plaintiff complaint, states as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "1", "5", and "6" and refers all question of law to this Court for its determination.

2. Denies information upon belief as to the truth of the allegations contained in paragraphs "7", "8", and "9" and refers all questions of law to this Court for its determination.

3. Denies information upon belief as to the truth of the allegations contained in paragraphs '10".

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. Any injuries suffered by plaintiff were caused solely by his own negligence and not by any negligence of the answering defendant.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

5. Any injuries suffered by plaintiff were caused, in part, by his own negligence, and any recovery by plaintiff must be diminished in proportion to that part of his injuries attributable

to his own negligence.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

6. Any injuries suffered by plaintiff were not caused by a negligent act or omission of the answering defendant or any individual acting under its direction or control.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

7. Plaintiff failed to mitigate or otherwise act to lessen or reduce the damages alleged in the Complaint.

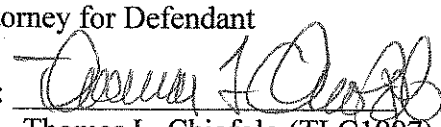
WHEREFORE, defendant LIRR demands judgment of this court dismissing the complaint in its entirety, plus the costs and disbursements of the action.

WHEREFORE, defendant demands judgement of this Court dismissing the action in its entirety, plus the costs and disbursements of the action.

Dated: Jamaica, NY
April 25, 2013

Yours, etc.,

RICHARD L. GANS, ESQ.
Vice President/General Counsel & Secretary
Attorney for Defendant

By: 
Thomas L. Chiofolo (TLC1997)

Law Department - 1143
Jamaica Station
Jamaica, New York 11435
(718) 558-8478
File No.: TPA-0519/MTACF011339

TO: FREDRIC M. GOLD, P.C.
Attorneys for Plaintiff
450 Seventh Avenue, 9th Floor
New York, NY 10123